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#11

PETITIONS OFFICE

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
PASTERNAK 1-1-1
(RM-1134)

First named inventor: Henry Adam PASTERNAK

Application No.: 09/062,969

Art Unit: 2664

Filed: April 21, 1998

Examiner: K.B. Yao

Title: SERVER FOR HANDLING MULTIMODAL INFORMATION

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-8282.The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,280.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Response dated 9/5/2001 which subsequently went astray (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee of \$_____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC
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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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April 30, 2002

Date

Adelution

Signature

Telephone

Number: (613) 768-3020

Angela C. de Wilton, Registration No. 35,763

Typed or printed name

Nortel Networks Limited, Intellectual Property Law Group

Address

Enclosures: ☒ Fee PaymentP.O. Box 3511, Station C, Ottawa, ON, Canada K1Y 4H7☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

April 30, 2002

Date

Joanne Ohmayer

Signature

JOANNE OHMAYER

Type or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FAX RECEIVED

IN RE APPLICATION OF: H.A. PASTERNAK et al

APR 30 2002

SERIAL NO: 09/062,969

ART UNIT: 2664

PETITION'S OFFICE

FILED: April 21, 1998

EXAMINER: K.B. Yao

SUBJECT: SERVER FOR HANDLING MULTIMODAL INFORMATION

THE ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231, U.S.A.

Sir:

STATEMENT IN SUPPORT OF THE PETITION FOR REVIVAL OF AN APPLICATION
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

I, Angela C. de Wilton of Ottawa, Ontario, Canada, hereby declare as follows:

1. I am the Patent Agent, Registration No. 35,763, appointed to prosecute the application identified above and to transact all business in the Patent and Trademark Office (PTO) connected therewith.
2. The Office Action mailed June 6, 2001 was received in my office on June 18, 2001, and on September 5, 2001 I prepared and signed a response to the Office Action. To the best of my knowledge and belief, the response along with the postcard receipt was placed in the regular weekly courier mail to the PTO on September 5, 2001.
3. The postcard receipt, as evidenced by the enclosed photocopy, was stamped as having been received by the PTO on September 6, 2001.
4. A Notice of Abandonment mailed March 14, 2002 was received in my offices on March 25, 2002 and was brought to my attention on March 28, 2002, stating that the application is abandoned for applicant's failure to timely file a proper reply to the Office letter mailed June 6, 2001.
5. I hereby declare that the entire delay and subsequent abandonment of subject application was unintentional and that, to the best of my knowledge and belief, the response which I prepared and signed on September 5, 2001, and which was received by the PTO mailroom on September 6, 2001, was lost in the mail before reaching the offices of the PTO Examiner assigned to this application.
6. A Petition for Revival of subject application accompanies this statement. A copy of the response prepared on September 5, 2001 is also enclosed herewith.

Respectfully Submitted,

By Angela C. de WiltonAngela C. de Wilton,
Patent Agent
Reg'n. No. 35,763ACdW/jo:Encls.
c/o NORTEL NETWORKS LIMITED
Intellectual Property Law Group
P.O. Box 3511, Station "C"
Ottawa, Ontario, Canada K1Y 4H7

Phone: (613) 768-3020

FAX: (613) 768-3017

Date: April 30, 2002

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL
for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)**1280.00****Complete if Known****FAX RECEIVED**

Application Number	09/062,969
Filing Date	04/21/1998
First Named Inventor	H.A. PASTERNAK
Examiner Name	K.B. Yao
Group Art Unit	2664
Attorney Docket No.	PASTERNAK 1 (RM-1134)

APR 30 2002

PATENT'S OFFICE

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	14-1315
Deposit Account Name	NORTEL NETWORKS LIMITED

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	180	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent Claims	-3** =	X	

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
118	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	1280.00
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.128(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
189	900	189	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Angela C. de Wilton	Registration No. (Attorney/Agent)	35,763	Telephone	613-768-3020
Signature	<i>Angela C. de Wilton</i>	Date	04/30/2002		

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Intellectual Property Law Group
P.O. Box 3511, Station C
Ottawa, Ontario, Canada
K1Y 4H7

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APR 30 2002

PETITIONS OFFICE

Fax Cover Sheet

Date April 30, 2002

To Office of Petitions
U.S. PATENT & TRADEMARK OFFICE

From Angela C. de Wilton
Nortel IP Law Group

Fax # (703) 308-6916

Fax # 613-768-3017

Phone #

Phone # 613-768-3020

No. of Pages
To Follow 10

Message Re: U.S. Patent Application Serial No. 09/062,969
Docket No.: PASTERNAK 1-1-1 (RM1134)

Please see attached papers relating to Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b).

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. 703-308-6916 on the date shown below.


Signature

April 30, 2002.....
Date

Joanne Ohmayer (613-768-3005), Facsimile Operator for this transmission
Nortel Networks Corporation, Intellectual Property Law Group

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#12

Case: Pasternack 1-1-1 (RM-1134)

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APR 30 2002

PETITIONS OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Pasternack, H. A., et al.

SERIAL NO: 09/062,969

Art Unit: 2664

FILED: April 21, 1998

Examiner: K. Yao

SUBJECT: SERVER FOR HANDLING MULTIMODAL INFORMATION

THE COMMISSIONER OF PATENTS AND TRADEMARKS,
WASHINGTON, D.C. 20231, U.S.A.

Sir:

Request for Reconsideration

In response to the Office Action dated June 6, 2001, the applicants request reconsideration of claims 1-8 and 10 to 17 pending in the present application.

REMARKS

The applicants believe the invention described and claimed in the present application differentiates patentably over the cited art, providing a server, and method, for handling information which is in different modal forms suitable for more than one mode of user interface, a method of using a multi-modal interface, and software for carrying out a corresponding method.

Independent claims 1, 14, 16 and 17 refer to "...different modal forms suitable for more than one mode of user interface...". Independent claim 16 defines a service controller for "...controlling input or output of information on the terminal interface and the internet interface, and for processing the information received from or sent to either interface, according to the modal form...".

In particular, the meaning of the term modal form and different modes of user interface as relating to the present invention is described on page 9 of the present application, specifically in the paragraph beginning at line 21:

"Information in different modal forms is defined as information for different modes of interface with a human user. Thus an audio signal is in the audio modal form, even if it represented as data packets. Different modes of interface are distinguished by whether they appeal to or use different human sensory faculties. More than one distinct type of user interface may make use of the same mode, e.g text and graphics both use the visual mode. Input modes can be distinguished from output modes, for example a user might press keys on a telephone handset (tactile), and hear a response (audio). Different modes have different characteristics in terms of e.g. type of information which can be conveyed, the amount of information, the reliability of the mode, speed of use, and suitability for user circumstances. "

Thus, modal forms in the context of this patent application relate to input and output modes for user interfaces, e.g. visual, audio, and tactile modal forms. It should be noted that, for example, an audio signal is in the audio modal form, even if it represented as data packets.

Therefore it is clear that modal forms, and input and output modes, as defined in the present application differentiate from the modes of input and output referred to by the Examiner with reference to the cited art of Focsaneanu, as will be clarified in more detail below. The cited patent of Focsaneanu is directed to a completely different system and method, for a different purpose. The applicants therefore traverse the rejection of claims 1 to 8 and 10 to 17 as anticipated by Focsaneanu, and respectfully request reconsideration of allowability of these claims.

Specifically with respect to the rejection of claims 1 to 8 and 10 to 17 under 35USC 102(b) as being clearly anticipated by Focsaneanu, U.S. Patent 5,610,910, the Examiner argues that Focsaneanu discloses a communications network in Figure 7 comprising the following features: access module 208 for supporting one or more connections on the Internet 214; access module 208 for supporting one or more connections to user terminals; controller 252 in Figure 8 of the access module for controlling input or output of the information; and for processing information received or sent to either PSTN or Data Network, according the mode of the input and output.

Focsaneanu 5,610,910 does not refer to audio, visual and tactile modal forms, input and output modes for a user interface, nor to information in different modal forms, nor information for different modes of interface with a human user as described in the present application. (1)

Focsaneanu provides multiservice access to a communications network based on multiple services having e.g. varying demands for bandwidth and holding times. Focsaneanu, at col. 4 lines 40 to 55, describes providing a method of interfacing CPE's and communications networks that encompass one or more of PSTN, data networks, wireless networks, satellite networks, CATV, ATM networks and other communications networks, through local access to form a universal services network, and extracting information content, and routing extracted information directly to one or more different communications networks, e.g. of PSTN, Data and other networks. Networks may be provided by copper pairs, coaxial fiber, optical fiber or wireless.

While Focsaneanu uses the term mode infrequently in the description, the use of the term mode is associated with modes of service in a multiservice system, i.e. PSTN and data, data being further defined as different types of data service. For example, col 10, line 29 refers to 'POTS mode', referred to at line 10 of col 10 as 'POTS service' and line 35 which states that "...the access module operated

in a dual mode operation in which the voice service and data services are supported simultaneously on the local access." Claim 21 and 22 of Focsaneanu refer to toggling between modes which relate to channelized and non-channelized format. The term mode is therefore used with reference to channelized and non-channelized format. In summary, modes as defined by Focsaneanu refer to modes of service; PSTN and data; or channelized and non-channelized format.

The latter modes are therefore clearly distinguished from input and output modes for user interfaces described in the present application which refers e.g. to audio, tactile and visual modal forms.

Thus Focsaneanu is related to a completely different aspect of appropriately separating and routing data and voice communication in multi-service networks.

Consequently, Focsaneanu fails to provide a multimodal user interface of the type described and claimed in the present application supporting e.g. audio, tactile and visual modal forms. Even if the access module of Focsaneanu were substituted for a system of the present application, Focsaneanu could not provide the multi-modal user interface functions and advantages as described in the present application, because the access module of Focsaneanu is designed for a completely different purpose.

The applicants therefore believe the invention described and claimed in the present application differentiate patentably over Focsaneanu, providing a server, and method, for handling information which is in different modal forms suitable for more than one mode of user interface, a method of using a multi-modal interface and software for carrying out a corresponding method.

The applicants respectfully request withdrawal of the s.102 rejection in light of the arguments presented above, and request early allowance of claims 1-8 and 10 to 17.

Yours very truly,

H.A. PASTERNAK et al.

By Angela C. de Wilton
Angela C. de Wilton,
Patent Agent
Registration No. 35,763

AdeW:jo

c/o NORTEL NETWORKS LIMITED,
Intellectual Property Law Group
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Ottawa, Ontario, Canada, K1Y 4H7

Phone: (613) 768-3020

Date: September 5, 2001